

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

Criminal No. 22-223 (NEB/TNL)

v.

**ARRAIGNMENT NOTICE AND
SCHEDULING ORDER**

Salim Ahmed Said (3),
Ahmed Sharif Omar-Hashim (5),
Abdihakim Ali Ahmed (7),
Abdikadir Ainanshe Mohamud (9),
Asad Mohamed Abshir (11),
Hamdi Hussein Omar (12),
Ahmed Abdullahi Ghedi (13),

Defendants.

PLEASE TAKE NOTICE that an arraignment hearing will be held before the undersigned United States Magistrate Judge on **November 7, 2022 at 1:00 p.m.**, in **Courtroom 9W**, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415.

FURTHER, IT IS HEREBY ORDERED that the following schedule shall govern these proceedings:

1. The government shall make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **September 28, 2022**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make,

by **September 28, 2022**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

2. Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

3. Defendant shall make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **October 5, 2022**. D. Minn. LR 12.1(a)(2).

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **October 12, 2022**.¹ D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.²

¹ "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

² U.S. Mail or hand-deliver to 300 South Fourth Street, Suite 9W, Minneapolis, MN 55415.

³ "When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness's testimony." D. Minn. LR 12.1(c)(3)(A).

⁴ "If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness's testimony." D. Minn. LR 12.1(c)(3)(B).

5. **Counsel shall electronically file a letter on or before October 12, 2022 if no motions will be filed and there is no need for hearing.**

6. All responses to motions shall be filed by **October 26, 2022**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses³ shall be filed by **October 26, 2022**. D. Minn. LR. 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses⁴ shall be filed by **October 31, 2022**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **November 7, 2022**, at **1:00 p.m.**, in **Courtroom 9W**, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT: the following trial and trial-related dates are:**

All voir dire questions and jury instructions must be submitted to District Judge Nancy E. Brasel on or before **November 14, 2022**.

This case must commence trial on **November 28, 2022**, at **9:00 a.m.** before District Judge Nancy E. Brasel in Courtroom 13W, U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Brasel to confirm the new trial date.

Dated: September 23, 2022

s/Tony N. Leung

TONY N. LEUNG

United States Magistrate Judge